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November 29, 2005

By Electronic Filing

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

**Re: Television Station Section 339(a)(2)(D)(vii) Waiver Request  
WSMH-DT, Flint, MI (FIN: 21737)  
MB Docket No. 05-317**

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Dear Ms. Dortch:

Pursuant to Section 339 (a)(2)(D) of the Communications Act of 1934, as amended by the Satellite Home Viewer Extension and Reauthorization Act of 2004 (“SHVERA”),<sup>1</sup> WSMH Licensee LLC, the applicant for a construction permit for WSMH-DT, Flint, Michigan (“WSMH”), hereby requests a six-month waiver of the FCC’s rule permitting satellite subscribers to qualify, under a digital signal strength test, for satellite retransmission of distant digital network signals.<sup>2</sup> By statute, a waiver of the testing is warranted, *inter alia*, if a station’s digital signal coverage has been limited as a result of the need for international coordination or approvals. *See* 47 U.S.C. § 339(a)(2)(D)(viii)(I). In 1999, WSMH timely filed an application for a construction permit for a full-power digital facility. *See* File No. BPCDT-19991028ACK. However, because of the necessity to coordinate the station’s proposed operations with Canadian stations, that application is still pending. WSMH recently filed an application to begin operations of its “checklist” facility. *See* File No. BPCDT- 20051115ADO (November

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<sup>1</sup> *See* 47 U.S.C. § 339(a)(2)(D) as amended by Section 204 of SHVERA.

<sup>2</sup> *See* Public Notice, DA 05-2979 (November 17, 2005).

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15, 2005). Accordingly, a waiver is warranted here. If there are any questions concerning this request, please contact the undersigned.

Very truly yours,

/s/  
Kathryn R. Schmeltzer  
Tony Lin  
*Counsel for WSMH Licensee LLC*

cc: Nazifa Sawez (by hand delivery)